OFFICE-In the new Post Office Building Merchant Street, Honolulu, H. L.

An Editor's Table.

- The editor sat in his sanctum, His countenance furrowed with cars,
- His mind at the bottom of business, His feet at the top of a chair; His chair-arm an elbow supporting,
- His right hand upholding his head, With different documents spread.
- There were thirty long pages from Howler, With underlined capitals topped, And a short requisition from Growler Demanding his newspaper stopped; There were lyrics from Gusher, the poet
- Concerning sweet flowers and nephyre, And a stray gem from Plodder, the farmer, Describing a couple of beifers.
- There were billets from beautiful maidens, And bills from a grocer or two,
- And his best leader hitched to a letter, Which inquired if he wrote it or who! There were raptures of praises from writers Of the smooth and mellifluous school, And one of his rival's last papers,
- Informing him be was a fool There were several long resolution With names telling whom they are by,
- Canonizing some harmless old brother, Who had done nothing worse than to die!
- And serpents to sting and to bite; There were gift enterprises to sell him, And hiters attempting to bite. There were long, staring "ads" from the city,
- Which mided, "Please give this insertion, And send in your tell when you've done," There were letters from organizations—
- Their meetings, their wants, and their laws-Which said, "Our you give this announcement For the good of our glorious cause ?"
- There were tickets inviting his presence To festivals, parties and shows, Wrapped in notes with "Please give us a notice,"
- In short, as his eye took the table. There was nothing it did not encounter. Excepting perhaps it was cash.

News Paragraph.

A GREAT FAILURE.-The Vienna Exposition cost the Austrian Government six million dollars more than it yielded from visiters. The sale of the building may reduce this amount by a million and a half or two millions.

The habit of opium-eating is increasing in the United States. From three to five years indulgence wrecks the finest constitution, the eyes are sunken, the frame is emaciated, and death ends the wasted life.

California has about 8,000,000 head of sheep. The wool crop in two shearings, at an average of ten pounds per head, would amount to \$80,000. 000 pounds, or 15,300,000 more than the total product of the United States in 1871.

The Rev. E. E. Hale says : " A man may send from Land's End, in England, to Kirkwall, in Scotland, the longest distance in Great Britain, from a wilderness to the edge of the icebergs, over a distance of 700 miles, a telegraphic message at one cent a word."

As evidence of the importance of the produce interest the following figures give the aggregate sales in New York city last year: Butter, \$30,-000,000; cheese, \$15,000,000; wheat, \$24,000,-000; flour, \$26,000,000; petroleum, \$10,000,000; cut meats, \$12,000,000.

The foreign trade of Great Britain had not been satisfactory to her merchants last year.

The official exhibit of the trade of the United June 30, 1873, shows a "balance of trade" against law from doing it. the country of \$14,484,584, the imports being based upon specie values, and the exports based had made a deed of gift in 1871 for a valuable the same period amounted to \$28140,511.

at 8 a. M., breakfasts at 1 r. M., takes a sicsia, be- the reason that it would be in the nature of a dines at 7, and later begins business. There are to control which a guardianship was imposed. those abject enough to retire at night and rise in ___ The counsel suggests another example. He science emulates the lark-it rises early."

in the system, produce inaction of the brain, and, fore the bond would be void. indeed, of the whole system, causing jaundice, It is always a consolation to have one's opinsleepiness, scurry, and troublesome diseases of lions sustained by high judicial authority. In the

The following "yarn" is published in a Vic- Mass., 487, the Court gave an opinion that "if a torian paper :- "It is believed by those who lunatic under guardianship be restored to his reahave resided at Echaes during the height of sum- son, he may make a will, although the letters of mer that there is no place in the world like it for guardianship are unrepealed." The same docfleas, and an amusing story is told about them. | trine was maintained by the same learned Court Some time back a railway official applied to be | many years afterwards in the case of Breed rs. removed from the district, on the ground that Pratt, 18 Pick., 115. The Court says that it is the fleas were unbearable, and their attacks an act manifestly distinguishable from contracts would be injurious to his health. His request and other acts to be done inter circus, and inwas deemed absurb, but, determined to prove volves no conflict of authority with the guardian. that he had told the truth, he one night got up, (See Redfield on the Law of Wills, Part L, 134, lighted his lamp, went fica-hunting, and in the where the same rule of law is recognized.) course of an hour or two had filled an ordinary It is the judgment of the Court that the deand backbiters. Next morning he sent his 'game' was taken, be affirmed, and that the proceedings down to the department, and the 'powers that in the case be remitted to the same Court. be' were so amused with his originality that they

IMPERIAL SALARIES.—The kingly people of Europe, now in the busines, are better paid than the public functionaries of the United States, fo the reason, probably, that, in the majority of cases, the fermer have the fixing of the amount themselves. Tous, the Emperor of Russia receives 8,250,000 thaters; the Sultan of Turkey, 6,000,000 thaters; the Emperor of Germany, 5,500,000 thaters; the Emperor of Germany, 5,600,000 thaters; the Emperor of Insty, 2,500,000 thaters; the Emperor of Austria, 5,500,000 thaters; the Emperor of Austria, 5,500,000 thaters; the Queen of Eagland, 2,500,000 thaters.

In proportion to the managed income of these witch the Emperor of Austria, 5,500,000 thaters. themselves. Thus, the Emperor of Russia relo proportion to the national income of these countries the Queen of England receives the lowest on the civil list, namely, seven-tenths of one

HE HAWAIIAN GAZH

A WEEKLY JOURNAL, DEVOTED TO HAWAIIAN PROGRESS.

VOL. X,--NO. 18.

Supreme Court-April Term, 1874-In Banco.

ALLEN, C. J., delivered the opinion of the Court-In the matter of the estate of his late Majesty Lunalilo, deceased.

This case is presented on appeal from the decision of a Judge of Probate, who admitted the will, with the codicil of His late Majesty Lunalilo, to probate. The only question before us is as to the validity of the will.

It is admitted by the contestant that the alleged will was executed as required by the Statute of the Kingdom.

It is also admitted that at the time of making the alleged will the testator was under guardianship as a spendthrift, and that all the statutory provisions had been complied with, and Mr. Bishop, the executor named in the alleged will, was one of the guardians of the testator.

It is contended that the will is void, because, at its date the testator was under guardianship-The counsel for the contestant argue that the Section 1463 of the Civil Code must be read in conjunction with Section 1354 and that the construction contended for is clearly within the spirit, if not within the exact letter of those enactments.

By Section 1463 it is declared that any person And General Repairing done with neatness and diffull age and of sound mind, may dispose of Patch. [469 ly] R. WHITMAN. of full age and of sound mind, may dispose of Patch. his estate both real and personal by will.

The restriction of persons under guardianship virtue of Section 1350, the restriction is virtually made, as by it he is restricted from making any gifts, sales or transfers of real estate or personal estate during the geardianship, and if he does, the guardian can interpose and defeat them. But the Statute gives the guardian no power to restrain the operation of a will which the ward may make.

A Statute in derogation of the rights of persons must be construed strictly, and it is very evident that the Legislature when they passed the law that all persons of full age and sound mind might make a will, they did not intend to add a restriction in a general law of guarduns and wards. The word gift has not in the Statute the same meaning as will, the one is a solemn instrument, executed with great formality, while the other is, to make it valid, by immediate transfer

of the article. It does not follow, therefore, because a person is under guardianship as a spendthrift, that he is incapacitated to make a will.

In the one case he is stimulated by his appe tite and passions to dispose of his property for immediate personal indulgence, and hence the necessity for guardianship, while in the other he makes a disposition of his property to take effect after his death, and when the powers of his guardian terminate.

It is very evident that the Legislature were of opinion that the power of the person over his property in the former case was unsafe, while in the latter, its exercise was proper, otherwise there would have been a restriction in terms. The counsel contends that a will creates a trust. and a trust is regarded as a gift or conveyance of the property, the subject of the trust, to the | B. F. ERLERS. persons who are its object, and therefore, the capacity to declare a trust is limited by the same DEALERS IN DRY GOODS AND GENERAL rules as the power of disposing of property at

That nation sold \$32,500,000 less of cotton but it must be executed according to the statute, linen, silk and woolen fabrics, and had to buy and if so executed it is not in the nature of a \$50,000,000 more of articles of food in the first contract. It differs from a deed of trust, for in nine months of the year than in the corresponding the one case it does not take effect till after death, while in the other, to make it valid, it must be delivered in the life time of the grantor, States with foreign countries for the year ending who, being under guardianship, is restrained by

upon mixed values. The foreign exports during consideration for advances, &c., to take effect GENERAL COMMISSION AGENT AND BROKER, after death, such a deed would have been con-Miss Kate Field has been writing some of her strued as a will-it has been so ruled,-would lively letters to the New York Tribune-this time | such a gift have been valid under the Statute?" from Spain. "Madrid," she says, "goes to bed It is very clear that it would not have been, for fore going to the bull-fight at 4, drives afterwards, contract to pay for advances to the spendthrift,

the morning. They are shopkeepers and Secre- says: "Suppose in 1871 he had given a bond to taries of Legation possessed of conscience. Con- A-consideration \$10,000 or more, or sufficient for his extravagant expenditures-to execute a It is stated that, by a careful analysis, it has will in his [A's] favor, would the executor be been found that apples contain a larger amount | bound to pay the consideration?" " Most cerof phosphorus, or brain-food, than any other fruit, tainly he would," says the counsel, " if he was or vegetable, and on this account they are very not incapacitated under the act of guardianship important to sedentary men, who work their from making such bond." The consel has unbrains rather than their muscles. They also con- doubtedly given a sound answer to his question tain the acids which are needed especially for but it is evident by the law regulating the guarsedentary men, the action of whose lives is slog- dianship that the ward had not power to make gish, to eliminate effete matters, which, if retained such a contract, or any other contract, and there-

case of Stave, appellant, es. Damos and others, 12

cree of the Probate Court, from which an appeal

L. McCully, Esq., for the executor, proponent Mesers. Stanley and Preston for contestant.

Honolula, April 29th, 1874. RELICS OF SIR JOHN FRANKLIN.—The New York Herald contains the statement of a captain relics of the Franklin expedition in the Polar rewhich they stated belonged to Franklin's party. One of the large spoons and one of the large forks had indistinct outlines of Sir John Franklin's coat of arms. The natives stated that after per cent.; the Sultan receiving the highest, eleven per cent. In Prince, Marshal MacMithon, beside his annual military pay of \$6,000, gets, as President of the Rapublic, \$120,000 a year, A French General of Division gets \$2,000 a year, a Brigadier, \$560.

HONOLULU, WEDNESDAY, MAY 6, 1874.

BUSINESS NOTICES. METROPOLITAN MARKTE,

G. WALLER, Proprietor King Street, [678 ly] Honolnin. H. HACKFELD & CO.,

GENERAL COMMISSION AGENTS. Queen Street, Honolulu, H. I. [477-ly] McCOLGAN & JOHNSON, MERCHANT TAILORS,

437 Kashamanu St., opposite Mr. G. Rhodes' Store. 19 ED. HOFFSCHLAEGER & CO., IMPORTERS AND COMMISSION MERCHANTS, Honolulu, Oahu, H. I. [473 ly]

JOHN T. WATERHOUSE, IMPORTER AND DEALER IN GENERAL MERCHANDISE, Queen Street, Honolulu, H. T.

No83.) The Place (King St. TO GET YOUR Carriage Trimming

Trunk Work of all kinds,

A. W. PEIRCE & CO., (Speciesors to C. L. Richards & Co.,) is not made in terms, but it is contended that by Ship Chandlers and General Commission Merchants Also-Agents for the Punios Salt Works.

Honolulu, Hawalian Islands.

JOHN H. PATY, Notary Public and Commissioner of Deeds For the State of California. Office at the Bank of Bishor Co., Kaahumann Street, Honolulu. [469-1y THEO. H. DAVIES,

[LATE JANION, GREEN & Co.] IMPORTER AND COMMISSION MERCHANT. —AND AGENT FOR— Liboyd's and the Liverpool Underwriters, British and Foreign Marine Insurance Company, and Northern Assurance Company. [469-1y

Washington Ment Market, Next door to Love's Steam Bakery, Nauanu Street, Honolulu, F. W. DUNNE, PROPRIETOR. Beef, Mutton and Veal of the Best Quality.

Also, Salt Pork, Salt Beef, Superior Pork Sananges, always in hand and sold at the Lowest Market Prices, 469] Meats delivered to all parts of the City. [1 y WILLIAM H. DAVIS, Conveyancer, Translator, Collector, and

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Presion, Attorney at Law, en Merchand street, below
Lewers et Bickson's Lamber Yard, between Fort and Alakea streets, Honolulu. THOS. G. THRUM'S Stationery, Cutlery and News Depot

and Circulating Library, Merchant Street, Honelnin. Also-Steneil Cutting, Engraving, Caligraphy and Copying, promptly executed on reasonable terms. 464-by HYMAN BROTHERS, IMPORTERS AND WHOLESALE DEALERS

In Fashionable Clothing, Hata, Caps, Boots, Shoes, and every variety of Gentlemen's Furnishing Goods, Snow's Building, Merchant Street, Honolulu. (404-1y APONG & ACHUCK, Importers, Wholesale and Retail Dealers in General Merchandise, And China Goods, in the Fire-proof Store on Nuunna Street,

A. JARGER. B. F. EHLERS & CO.,

MERCHANDISE Fire-proofStore on Fort St., above Odd Fellows Hall. [451-13

Auctioneer and Commission Merchant, Queen Street, Honoinin, H. I. [442-ly] M. T. DONNELL, CABINET MAKER AND UPHOLSTERER

King Street, Honolulu, opposite Lewis' Cooper Shop. Will 456] buy and sail second-hand Furniture. [ly F. A. SCHAEFER & CO., Importers and Commision Merchants Honolulu, Hawaiian Islands,

W. L. GREEN, Office, in Firs-proof Buildings, Queen Street, Honolulu, Hawatian Islands. [435-1y]

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and alson very large stock of Tinware of every de-

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CONTENTS.

-Cruising in the Tropies, 2-An Outpost of Paradise, 3-For Honolulu Direct. 4-First Impressions of the Paradise. 5-The Hawaiian Kings. 6-The Hawaiian Kingdom 7—Events and Circumstances.
8—Moral Life of the Natives.
9—Physical Life of the Natives.
10—The Lepers' Village.
11—Mauga Los; Volcanic Eruptions and Rains 13-The Gala Day in Honolulu, 14-The Hawaiian Civilisation.

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15—Society in Honolulu,
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19—Honoluluan Days. A few copies just received and for sale, price \$1.50 Mailed to any part of the group free, \$1.50.
446-1m H. M. WHITNEY.

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Agent of Visuna Board of Underwriters,
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EXTRACTS FROM MEDICAL OPINIONS. EXTRACES FROM REDICAL OFINIONS.

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Extract from Medical Times, Jan 12, 1866.—"Chlorodyne la rescribed by scores of orthodox medical preditioners. Of ourse it would not thus be singularly popular did it materially a want and fill a place."

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